

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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SAWSAAN TABBAA, HASSAN SHIBLY,:
KAREMA ATASSI, ASMAA ELSHINAWY,
and GALEB RIZEK,

Plaintiffs,

-versus-

MICHAEL CHERTOFF, Secretary of the United
States Department of Homeland Security;
ROBERT C. BONNER, Commissioner of the
United States Customs and Border Protection;
MICHAEL D'AMBROSIO, Director of Field
Operations in Buffalo, United States Customs
and Border Protection; JOSEPH J. WILSON,
Buffalo Port Director for the United States
Customs and Border Protection,

Defendants.
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**DECLARATION OF
PLAINTIFF HASSAN
SHIBLY**

05 Civ. 582 (S)(F)

DECLARATION OF HASSAN SHIBLY

I, Hassan Shibly, in accordance with the provisions of 28 U.S.C. §1746, declare as follows:

- 1 I am a plaintiff in the case *Tabbaa v. Chertoff*, 05 Civ. 582, pending in the Federal District Court for the Western District of New York.
- 2 I am 18 years old and a United States citizen. I study political science at the University at Buffalo, where I also serve as the elected chairman of the Student Association Assembly.
- 3 I attended the Reviving the Islamic Spirit (RIS) Conference last year with my mother, two sisters and brother. I also attended the previous two conferences. I enjoy the RIS Conferences because they provide me with an opportunity to learn more about Islam. The conference always features respected scholars discussing the tenets of our religion.
- 4 I enjoyed the December 2004 RIS Conference in particular. It concentrated on finding common ground between the many cultures and religions in the United States. I wanted to learn more about how I could become more active in promoting

cultural diversity in the United States. I am very interested in building cross-cultural relationships. I like working with faith based organization. I plan on traveling with a Christian church group, the Gulf Coast Worship Center, to Mississippi over Thanksgiving to help Hurricane Katrina victims.


- 5 I really enjoyed listening to Hamza Yusuf at the December 2004 RIS Conference. I have tremendous respect for all of the work that he has done in the United States. Another speaker that I enjoyed listening to discussed the importance of empowering Islamic youth to do good in their community and in other communities.
- 6 The communal prayers at the RIS Conference were particularly beautiful. It was a remarkable experience to have thousands of people pray together at the conference. Because we had traveled to the RIS Conference, the normal five prayers of the day were combined into three prayers—a morning, noon, and sunset prayer. All of the conference attendees, from Canada and the United States, prayed together.
- 7 In addition to learning more about Islam and encouraging cross-cultural relationships, I also enjoyed the cultural events at the RIS Conference. I listened to the musical performances and comedians at the conference. I watched films that I knew would be screened at the conference. Also, I like meeting new people, and I knew that the conference would offer many ways to meet other Muslims with similar interests.
- 8 We left the RIS Conference around midnight on December 26th, and arrived at the Lewiston border crossing at approximately two in the morning on December 27th. Since everyone in the car had United States citizenship, we did not expect any problems crossing the border.
- 9 When we arrived at the border, an officer asked us for identification. Everyone in the car handed her their United States passports. Then she asked us where we had been in Canada. We told her that we attended the RIS Conference. She then said that we had all been selected for a random inspection, and that we needed to pull over and enter a nearby building. We complied.
- 10 I was shocked when I entered the building. The room was packed with Muslims. Inside I saw several of my friends and people that I knew from our mosque. They had left the RIS Conference before we did, and now they were in detention with us. I could not believe that the room was filled with Muslims who had attended the RIS Conference.
- 11 Next, the waiting game began. We waited for hours for a border officer to explain to us what would happen next. I repeatedly asked numerous border officers for more information on what would happen to me and my family. I received no answers. When I asked a border officer why I had been detained, she repeated what the border officer at the crossing booth had told me: that I had been selected for a random inspection.

- 12 Yet as the night progressed, it became clear to me that we had not been selected randomly for inspection. There were too many Muslims from the RIS Conference in detention to make this a random inspection.
- 13 I wanted to take a picture of everyone in detention to document our experience. I asked permission from a border officer to go to my car to get my digital camera. He prohibited me from taking any photographs. I didn't want to do anything that would get me into trouble, so I didn't get my camera.
- 14 The detention room was crowded, cold and dusty. It did not have enough chairs for everyone in it. It contained maybe four or five chairs for the dozens of people in detention.
- 15 In frustration and out of a desire to move things along, I began to place several phone calls to community leaders and local media in the hope that they would be able to obtain some reasons for the detention and make them end faster. I placed the phone calls outside the building, in the cold. Even though I was outside, once the border officers learned that I had placed my phone calls, they ordered me to stop using my phone.
- 16 After a couple of hours in detention, a supervisor finally came out to talk to us. I told her that we felt degraded to be treated this way. I explained to her that I was a United States citizen and had done nothing wrong. She replied that she was following orders from above. She did not explain what she meant by that. She also did not explain why only Muslims had been in detention.
- 17 A few hours into the detention, a border officer called my name. The officer asked me to fill out a form, which I think was a customs form, although I'm not sure.
- 18 Two armed border officers then ordered me into a separate room. I felt very scared. They took me to what looked like an interrogation room. It was very small and had only one chair in it.
- 19 In the interrogation room, the border officers ordered me to empty out my pockets. I complied and told them that I felt humiliated. I told them that I had done nothing wrong. Then they made me put my hands on the wall, and kicked my feet open without my permission, almost knocking me to the ground. The kick hurt me. They proceeded to pat me down.
- 20 The border officers then forcibly took my fingerprints and photograph. Again I explained to them that I felt degraded and humiliated, and that I did not want to be fingerprinted. They didn't seem to listen and proceeded to take my fingerprints and photograph. They forcefully grabbed my fingers and placed each one on the electronic machine. Then they took my photograph without my permission. I wasn't even looking at the camera when my picture was taken. They took all of this

data electronically and inserted the information into a computer. I was then ordered to return to the larger room.

- 21 Not until the fingerprinting and photographing did I learn what would happen to me that night. I heard from the other Muslims in the room that they had been interrogated, fingerprinted and photographed. But no border officer ever explained to me the process that I would go through.
- 22 At one point during the night I was questioned about the content of the RIS Conference. A border officer asked me what I had done at the conference, and why I had gone to it.
- 23 For me, the most difficult part of the night involved witnessing my family being mistreated. Throughout the night my three year old sister Serene kept complaining of the cold. She cried that her hands hurt from the cold. We rubbed her hands and tried to keep them warm.
- 24 Moreover, it hurt me to watch my mother being mistreated. Border officers humiliated my mother. She complained to them that it was unfair for her to be fingerprinted when she had done nothing wrong. Yet the border officers forcibly fingerprinted her. She cried throughout the experience and it was very difficult for me to see this.
- 25 The border officers finally released us at approximately 6:00AM.
- 26 Throughout that night, I felt like I was being punished for practicing my religion. My only crime had been being a Muslim and attending a conference. I had been treated like a criminal for practicing my faith and culture.
- 27 I already have plans to go with friends to the next RIS Conference. However, I am afraid that I will be detained, interrogated, fingerprinted and photographed once again as I return from the conference.
- 28 I am also worried about what will happen to my fingerprints and photograph. I saw border officials enter my information into a computer, and at one point during the night one of them said that my information would be checked in an FBI database. This worries me, and I am scared that this information is still out there and will be used against me. I feel very uncomfortable that the government may be retaining these records and I need proof that the records have been destroyed. I am an American citizen and should not be singled out just because I am a Muslim who attended an Islamic conference. I am not a criminal and I did nothing wrong.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 10, 2005.



Hassan Shibly

CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2005, I served by email and United States First Class Mail the attached Declaration of Plaintiff Hassan Shibly, on the following counsel of record:

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